

BEFORE THE ARIZONA REGULATORY BOARD OF
PHYSICIAN ASSISTANTS

In the Matter of

WILLIAM A. ROBERTS, JR., P.A.-C

Holder of License No. 2483
For the Practice as a Physician Assistant
in the State of Arizona

Docket No. 04A-2483-PAB

Case No. PA-04-0014A

**FINDINGS OF FACT, CONCLUSIONS OF
LAW AND ORDER FOR LICENSE
REVOCATION**

On March 2, 2005 this matter came before the Arizona Regulatory Board of Physician Assistants ("Board") for oral argument and consideration of the Administrative Law Judge (ALJ) Brian Brendan Tully's proposed Findings of Fact and Conclusions of Law and Recommended Order. William A. Roberts, P.A.-C. ("Respondent") was notified of the Board's intent to consider this matter on the aforementioned date at the Board's public meeting. Respondent appeared personally. The State was represented by Assistant Attorney General Stephen A. Wolf. Christine Cassetta, of the Solicitor General's Section of the Attorney General's Office, was present and available to provide independent legal advice to the Board.

The Board, having considered the ALJ's report and the entire record in this matter hereby issues the following Findings of Fact, Conclusion of Law and Order.

FINDINGS OF FACT

1. The Arizona Regulatory Board of Physician Assistants ("Board") is the duly constituted authority for the licensing and regulation of physician assistants in the State of Arizona.

2. The Respondent, William A. Roberts, Jr., P.A.-C is the holder of License No. 2483 to practice as a physician assistant in the State of Arizona.

1 3. On or about February 12, 2001, Respondent submitted an application for
2 licensure as a physician assistant to the Board. According to Respondent's Testimony
3 at hearing, he previously had been issued a license by the Board but hat license had
4 expired.

5 4. When Respondent signed and submitted his 2001 application for
6 licensure to the Board, he swore that:

7
8 I have carefully read the questions in the foregoing application and
9 have answered them completely, without reservations of any kind,
10 and I declare under the penalty of perjury that my answers and all
11 statements made by me herein are true and correct. Should I
12 furnish false information in this application, I hereby agree that such
13 act shall constitute cause for denial, suspension or revocation of my
14 License to perform healthcare tasks as a physician assistant in the
15 State of Arizona.

16 5. In the 2001 application, Respondent was asked the following questions:

17 a) Have you ever had a license revoked; suspended; limited;
18 restricted; placed on probation; voluntarily surrendered or
19 canceled during an investigation or in lieu of disciplinary action;
20 or entered into a consent agreement or stipulation?

21 b) Have you ever taken leave of absence during your physician
22 assistant training program, preceptorship training, or any other
23 practice?

24 6. Respondent knowingly, falsely, misleadingly and fraudulently answered
25 "no" to those questions.

 7. On or about July 14, 1998, Respondent was arrested in Beatty, Nevada
for unlawful possession or use of a controlled substance, a category E felony.

 8. Respondent then took leave of absence form his medical practice and,
under the auspices of the Nevada Health Professionals Assistance Foundation and in
lieu of disciplinary action by the Nevada State Board of Medical Examiners, underwent

1 tin-patient substance abuse evaluation and possibly treatment at the COPAC facility
2 outside of Jackson, Mississippi. State's Exhibits 6 and 7.

3 9. Respondent has refused to authorize the COPAC facility to release
4 Respondent's records to the Board during its investigation. The Nevada Board no
5 longer has those records. Neither the Board no Respondent is aware of the diagnosis
6 formulated by that facility.

7 10. Respondent later entered a plea of guilty to one count of unlawful use of a
8 controlled substance prohibited in interstate commerce, a misdemeanor offense.
9 States Exhibit 6 and 7.

10 11. In a narrative response provided to the Board on June 3, 2004,
11 Respondent admitted:

12
13 I applied for licensure in Arizona and Did Not Answer the Questions
14 Honestly...The reason I did not answer the questions honestly was
15 that I was scared, angry and terrified that if I answered honestly
16 that I would not get the license and that I wouldn't be able to work
again and I needed the money badly...I didn't think about it and I
made a conscious decision to lie, to save my career.

17 12. Based upon Respondent's knowing, false, misleading and fraudulent
18 answers to questions 9 and 18 of his 2001 application, the Board issued him an Arizona
19 physician assistant's license o June 6, 2001.

20 13. Respondent procured his Arizona physician assistant's license by fraud
21 and misrepresentation.

22 14. On or about April 22, 1999, Respondent submitted an application for
23 licensure as a physician assistant to the Physician Assistant Committee ("Committee")
24 of the Medical Board of California ("California Board").
25

1 15. On that application, Respondent listed the 1998 misdemeanor conviction
2 in Nevada for possession of a controlled substance. State's Exhibit 6 and 7.

3 16. The Committee issued a physician assistant license to Respondent on
4 September 20, 1999.

5 17. After the Committee issued Respondent a license, it discovered from a
6 search of his fingerprints that on September 19, 1996, Respondent had entered a plea
7 of no contest to one count of domestic violence, a misdemeanor offense, in Arizona.
8 He was sentenced to one year of unsupervised probation.

9 18. Respondent failed to disclose that domestic violence conviction on his
10 application for California licensure.

11 19. Respondent's failure to disclose that domestic violence conviction on his
12 application for California licensure violated Calf. Bus. & Prof. Code §§ 498 (securing a
13 license (securing a license by fraud, deceit, or knowing misrepresentation of a material
14 fact or by knowingly omitting to state a material fact); 2234(e) (committing any act
15 involving dishonesty or corruption which is substantially related to the qualifications,
16 functions, or duties of a physician or surgeon); and 2234(f) (any action or conduct which
17 would have warranted the denial of a certificate).

18 20. On November 20, 2002, the California Board entered into a Stipulated
19 Settlement and Disciplinary Order ("California Order") with Respondent wherein he
20 admitted those acts of unprofessional conduct in his 1999 California license application
21 and received a stayed revocation with five years probation.

22 21. On or about December 2, 2000, Respondent was arrested for violating the
23 terms of a protective order. On or about December 29, 2000, Respondent entered a
24 plea of guilty to the 4 misdemeanor crime of domestic violence/interfering with judicial
25 proceedings and was sentenced to either months of supervised probation followed by

1 12 months of unsupervised probation, a fine of \$1,500.00 and other terms. Respondent
2 has not paid the fine.

3 22. Respondent failed to comply with the terms of his California probation,
4 including the payment of \$3,201.41 for the California Board's costs, which he had
5 voluntarily agreed to comply with. He permitted his California physician assistant
6 license to expire.

7 23. On or about September 29, 2003, Respondent submitted his 2002-2003
8 license renewal form to the Arizona Board.

9 24. On that renewal form, Respondent was asked the following question:

10
11 Have you ever been convicted of Medicare or Medicaid fraud, been
12 sanctioned or disciplined, or entered into an agreement with a state
13 or federal agency concerning a denial, limitation, restriction,
14 suspension or revocation of your license, or removal from practice?

15 25. Respondent knowingly, falsely and misleadingly answered "no" to that
16 question.

17 26. At the hearing Respondent volunteered that he had intentionally omitted
18 his marijuana conviction in his original application for licensure to the Arizona Board in
19 1997.

20 27. By letter dated June 7, 2004, Douglas H. Snow, D.O., Respondent's
21 supervising physician of record, advised Board staff, that he had not known about
22 Respondent's domestic violence charges and false/misleading information given to the
23 licensing boards in California and Arizona until they were brought to his attention by
24 Board staff. He further advised that Respondent was no longer employed by his clinic.

25 28. Respondent is not presently working as a physician assistant. In
September 2004, Respondent received an unrestricted physician assistant license
issued by the licensing authority in the State of Hawaii.

1 29. Respondent contends that he did not have an ethical obligation to answer
2 the license application questions accurately because they are nobody's business. In
3 fact, Respondent described the Board's investigation of him as fascistic proceedings.

4 30. Respondent is found to be ungovernable. He has shown a consistent
5 pattern of knowingly, falsely and misleadingly submitted applications to licensing
6 authorities. He views state regulation of his practice as a physician assistant as
7 fascism. As such, Respondent's practice as a physician assistant in the State of
8 Arizona poses a risk to the public health and safety.

9 **FINDING OF IMMEDIATE EFFECTIVENESS**

10 31. It is necessary for this Order to take immediate effect to protect the public
11 health and safety. R4-17-403(C).

12 **CONCLUSIONS OF LAW**

13 1. The Board possesses jurisdiction over the subject matter and over
14 Respondent pursuant to A.R.S. § 32-2501 et seq.

15 2. The conduct and circumstance described in the above Findings of Fact
16 constitute unprofessional conduct by Respondent pursuant to A.R.S. § 32-2501(21)(n)
17 (Procuring or attempting to procure a physician assistant license by fraud,
18 misrepresentation or knowingly taking advantage of the mistake of another). Securing
19 a license to perform health care tasks by fraud or deceit is a class 6 felony. A.R.S.
20 § 32-2554(A)(2).

21 3. The conduct and circumstances described in the above Findings of Fact
22 constitute unprofessional conduct by Respondent pursuant to A.R.S. § 32-2501(21)(bb)
23 (knowingly making a false or misleading statement on a form required by the Board or
24 in written correspondence or attachments furnished to the Board).

1 4. The conduct and circumstances described in the above Findings of Fact
2 constitute unprofessional conduct by Respondent pursuant to A.R.S. §32-2501(21)(v)
3 (having a certification or license refused, revoked, suspended, limited or restricted by
4 any other licensing jurisdiction for the inability to safely and skillfully perform health care
5 tasks or for unprofessional conduct as defined by that jurisdiction that directly or
6 indirectly corresponds to any act of unprofessional conduct as prescribed by this
7 paragraph.

8 5. The California Board took action against Respondent's physician assistant
9 license on the basis of stipulated findings of unprofessional conduct in its Decision
10 dated November 20, 2002. Those findings of unprofessional conduct by Respondent
11 correspond directly or indirectly to the following acts of unprofessional conduct
12 prescribed by Arizona law:

- 13
- 14 a) Procuring or attempting to procure a physician assistant by fraud,
15 misrepresentation or knowingly taking advantage of the mistake of
 another. A.R.S. §32-2501(21)(bb).
 - 16 b) Knowingly making a false or misleading statement on a form
17 required by the Board or in written correspondence or attachments
 furnished to the Board. A.R.S. §32-2501(21)(bb).

18 6. The evidence of record supports the revocation of Respondent's Arizona
19 physician assistant license for his unprofessional conduct in this matter for the
20 protection of the public health and safety. A.R.S. § 32-2551(J).

21 7. The evidence of record supports charging the costs of the formal hearing
22 in this matter to Respondent. A.R.S. §32-2551(M).

23 **ORDER**

24 In view of the foregoing, it is hereby ordered:
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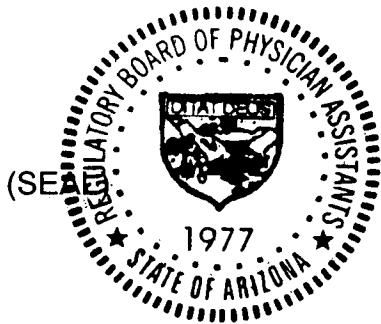
1 1. Respondent's License No. 2483 to practice as a physician assistant in the
2 State of Arizona is hereby revoked, effective immediately.

3 2. Respondent is assessed the costs of the formal hearing in this matter.
4 Said costs shall be paid by Respondent no later than 90 days from the date of the
5 Board's invoice for those costs, unless such deadline is extended by the Board. No
6 future license shall be issued to Respondent by the Board unless those costs have
7 been paid in full.

8 **RIGHT TO APPEAL TO SUPERIOR COURT**

9 Respondent is hereby notified that this Order is the final administrative decision
10 of the Board and that Respondent has exhausted his administrative remedies.
11 Respondent is advised that an appeal to Superior Court in Maricopa County may be
12 taken from this decision pursuant to Title 12, Chapter 7, Article 6.

13 Dated this 7th day of March 2005.



ARIZONA REGULATORY BOARD OF PHYSICIAN
ASSISTANTS

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By: 

TIMOTHY C. MILLER, J.D.
Executive Director

Original of the foregoing filed this
7th day of March, 2005, with:

Arizona Medical Board
9545 East Doubletree Ranch Road
Scottsdale, AZ 85258

Copy of the foregoing filed this
7th day of March, 2005, with:

1 Cliff J. Vanell, Director
2 Office of Administrative Hearings
3 1400 W. Washington, Ste. 101
4 Phoenix, AZ 85007

5 Executed copy of the foregoing mailed
6 by Certified Mail this 23rd day of
7 March, 2005, to:

8 William A. Roberts, Jr., P.A.-C
9 (Address of Record)

10 Executed copy of the foregoing mailed
11 this 23rd day of March 2005, to:

12 Stephen A. Wolf
13 Assistant Attorney General
14 Office of the Attorney General
15 CIV/LES
16 1275 W. Washington
17 Phoenix, Arizona 85007

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